



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Aband

In re application of : Confirmation No. 4320
Norio KIMURA et al. : Docket No. 2001_0122A
Serial No. 09/777,707 : Group Art Unit 3723
Filed February 7, 2001 : Examiner Willie W. Berry, Jr.

POLISHING APPARATUS

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEES FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975

REQUEST TO WITHDRAW IMPROPER HOLDING OF ABANDONMENT

Assistant Commissioner for Patents,
Washington, D.C.

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SEP 30 2002

Sir:

It is hereby petitioned that the holding of abandonment in the above-identified application be withdrawn.

The facts necessitating this request are as follows:

1. On December 7, 2001 Group Art Unit 3723 issued a Non-Final Office Action in the above application, setting a three month shortened statutory period for response;
2. Applicants received the Office Action on January 7, 2002;
3. Applicants filed a Petition to Reset the Period of Reply under MPEP § 710.06 on January 16, 2002;
4. Applicants received a Decision on Petition dated January 25, 2002 indicating that a reply to the Office Action is due on or before Sunday, April 7, 2002;
5. On Monday, April 8, 2002, i.e., within the shortened statutory period for response in accordance with 37 CFR § 1.7, Applicants filed an Amendment that was responsive to the Office Action of December 7, 2001;
6. In support of the fact of filing the April 8th Amendment, enclosed is a copy of the date-stamped postcard indicating that the Amendment was filed, and a copy of the Amendment; and

7. On August 6, 2002 Group Art 3723 issued a form PTO-1432 "Notice of Abandonment" alleging that the above-identified application is abandoned since "no reply has been received" to the Office Action of "January[sic] 7, 2002[sic]."

As is apparent from the above, the holding of abandonment of this application is incorrect. Thus, there is no abandonment in fact in this application, since a response to the December 7, 2001 Office Action was timely filed.

In view of the above, it is requested that the holding of abandonment be withdrawn.

Respectfully submitted,

Norio KIMURA et al.

By: Thomas D. Robbins

Thomas D. Robbins

Registration No. 43,369

Attorney for Applicants

TDR/abm
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
September 27, 2002